

**CESSATION ORDER**  
(FOR IMMINENT DANGER OR HARM)

I - 11726

**ODNR**  
OHIO DEPARTMENT OF  
NATURAL RESOURCES

DIVISION  
OF RECLAMATION *Mineral Resources Mgt.*

2050 E. Wheeling Ave. Cambridge OHIO

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425  
ADDRESS: 43521 MAY HUGH HILL ROAD Twp. 58 DISCOVERY DATE:  
BEALLSVILLE, OHIO 43716 10:00 a.m. Aug. 23, 2005  
APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16(A) & 1501.13-9-04(A)

**DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:**

The operator failed to conduct coal mining operations so as to prevent additional contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek.

8/26/05

(A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the Division.

(modified 8/26/05 see attachment)

TIME: 4:00 a.m. 8-23 2005

(B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete the clean-up and restoration of the affected portions of Captina Creek and all surface areas disturbed as a result of the slurry spill and its subsequent clean-up.

TIME: 4:00 a.m. 8-28-2005

SERVED TO: Ry. M. Murray <sup>8/23/05</sup> BY: J. Pataky  
Authorized Representative

TIME: 4:00 a.m. 8-23-05

☒ EXTENDED TO: 5:00 a.m. 10-12-2005 ( ) EXTENDED TO: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. \_\_\_\_\_, 19 \_\_\_\_\_

Served to: \_\_\_\_\_ Date: \_\_\_\_\_ Served to: \_\_\_\_\_ Date: \_\_\_\_\_

By: J. Pataky Date: 9-13-05 By: \_\_\_\_\_ Date: \_\_\_\_\_

MODIFIED: August 26, 2005 To: Ry. M. Murray By: J. Pataky

NON-COMPLIANCE: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. \_\_\_\_\_, 19 \_\_\_\_\_ Mailed 09/16/05 To: \_\_\_\_\_ By: \_\_\_\_\_

VACATED: \_\_\_\_\_, 19 \_\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_

TERMINATED: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. \_\_\_\_\_, 19 \_\_\_\_\_ To: \_\_\_\_\_ By: \_\_\_\_\_